

FILED IN NOV 12 1965

HX
11
.F25
no. 191

NUNC COGNOSCO EX PARTE



TRENT UNIVERSITY
LIBRARY

AL GOVERNMENT SERIES

BOROUGH COUNCILS

by
C. R. ATTLEE

revised by
A. E. LAUDER

SIAN TRACT No. 191

6^D

BOROUGH COUNCILS

Their Constitution, Powers and Duties

by

C. R. ATTLEE

revised by

A. E. LAUDER

LONDON :

FABIAN PUBLICATIONS LTD.

11, Dartmouth Street, S.W.1

CONTENTS

	<i>Page</i>
CONSTITUTION OF BOROUGH COUNCILS - - -	3
POWERS AND DUTIES OF BOROUGH COUNCILS - -	4
FINANCE OF BOROUGH COUNCILS - - - - -	12
BOROUGH COUNCILS WORK - - - - - -	14
THE COUNCIL OFFICERS - - - - - - -	14
CONCLUSION - - - - - - - - -	15

NOTE *This pamphlet, like all publications of the Fabian Society, represents not the collective view of the Society but only the view of the individual who prepared it. The responsibility of the Fabian Society is limited to approving the publications which it issues as embodying facts and opinions worthy of consideration within the Labour Movement. It is the aim of the Society to encourage among socialists a high standard of free and independent research.*

Printed, March 1920.
 Revised, Sept. 1935.
 Second Revise, April 1946.

BOROUGH COUNCILS

Their Constitution, Powers and Duties

The Borough is one of the most ancient of all English units of Local Government and one of the most important. It is an urban community which has received a Charter of Incorporation from the Crown and is governed under a code developed by the Municipal Corporations Acts, 1835-1910, and now embodied in the Local Government Act, 1933. It is not the purpose of this pamphlet to deal with the history of Town Government in this country or to trace the rise and decline of civic administration prior to 1835, but rather to deal with the borough as part of the machinery of local government at the present time. It is well, however, to recall that some boroughs are of very ancient origin and may have rights and privileges derived from charters and local acts of Parliament, owning property acquired many years ago, while others are the creation of yesterday, new communities that owing to their size and importance have obtained incorporation but derive their powers solely from general statute.

From the fact of their origin it is not surprising that there is a great diversity of area and population among boroughs. Birmingham has a population of over a million, and an area of 51,000 acres, while Montgomery has but 900 inhabitants, and Blandford only 250 acres. Boroughs, also, have differences of status among themselves, some of practical importance, others of sentimental interest; thus some are Cities in virtue of being seats of bishops or possessing a grant from the Crown, others are allowed to style their chief magistrate Lord Mayor instead of Mayor, others have a more important distinction in the possession of separate Courts of Quarter Sessions and a paid judge. The most important difference from the point of view of the student of local government and the practical administrator is that between County Boroughs and non-County Boroughs. The County Borough, which is in all but three cases a town of over 50,000 inhabitants, stands, for all purposes, outside the administrative county of which geographically it forms a part. It has practically all the powers of a county council in addition to those of the most powerful municipal borough, while the non-county borough, like the urban district, divides its authority in its area with the county council. The county borough is the most complete authority in English local government, and the sole authority in its area. At the present time there are 392 boroughs outside London in England and Wales, of which 83 are county boroughs. There is a ladder of promotion among urban governing authorities. Urban districts may apply to the Privy Council for incorporation as Boroughs; though such applications are not usually considered favourably unless the population has reached more than 20,000; municipal boroughs and urban districts of more than 100,000 inhabitants may apply to Parliament for county borough status. Subject to certain Parliamentary safeguards the new Local Government Boundary Commission (see later) will also have powers to grant or refuse County Borough status.

The Metropolitan Boroughs in London and the City Corporation are discussed in a separate Tract.

CONSTITUTION OF BOROUGH COUNCILS

With the exception of the City of London every borough owes its constitution to the provisions of the Municipal Corporations Acts now embodied in the Local Government Act, 1933. This Act defines a municipal corporation as "the body corporate constituted by the incorporation of the inhabitants of a borough." The corporation enjoys perpetual succession and a common

seal, and it acts by a Council consisting of the Lord Mayor or Mayor, Aldermen and Councillors, the number of members varying according to the size of the borough. Councillors must be either (a) local government electors; (b) persons possessing freehold or leasehold land in the borough; or (c) persons who have been resident in the borough for the whole of the twelve months previous to the election. There is no other property qualification, and the councillors are elected by ballot on the first of November each year for three years, one-third of their number retiring each year.

Aldermen are elected by the councillors from among their own number or from persons qualified to be councillors, and their number is one-third of the councillors. One-half of their number retire every three years.

The Mayor or Lord Mayor is elected by the council from the aldermen and councillors or those qualified to be such. He may receive a salary, but aldermen and councillors are unpaid. The Mayor is a justice of the Peace for his year of office and one year afterwards. A woman may hold the office of Mayor.

Such ornamental articles as the Mace, Mayoral robes, etc., must be obtained by private gift. The grant of the Freedom of the Borough is now purely honorary, and confers no legal rights on the recipient.

POWERS AND DUTIES OF BOROUGH COUNCILS

The powers and duties of a borough council are derived partly from the statutes under which it is created, partly from its being also an 'urban sanitary authority' under the Public Health Acts, and in the case of a county borough an authority with powers similar to those of a county council, and partly from its being charged or empowered by the legislature to carry out certain duties by public or local Acts of Parliament. These powers vary slightly with the size of the borough, those with 10,000 or 20,000 population having some additional powers, while county boroughs have most of all. It will be most convenient to consider these differences when dealing with the various services performed by the councils which may be most easily grouped under the following heads.

(1) As Municipal Authority

The Council administers corporate property: this in many cases is very considerable. Bristol derives £65,000 and Nottingham £87,000 from rents, not including the still larger sums secured from rents of Housing Estates. Other examples are Doncaster, Chester and Brighton which own race-courses, Bristol that owns docks and an air-port, Colchester which owns oyster fisheries, and Bath and Harrogate which own medicinal baths. Labour councillors should see that municipal property is being used to the best advantage, as cases have been known where the City fathers or grandfathers have leased corporate property to their friends for long terms of years at low rentals. The council also makes by-laws for the good government of the town, dealing with such matters as street nuisances, annoyance from loud wireless apparatus, fouling of footpaths by dogs, etc.

In addition to its specific duties the borough council is the representative body of the town, and it is its duty to give expression to the wishes of the inhabitants and protect their interests. Thus it is the duty of the council to keep a careful watch on public and private Bills introduced into Parliament, and where necessary offer opposition to Bills injurious to the borough. Under threat of opposition useful concessions can be obtained from railway, gas and electricity companies and other bodies. If a railway company or the Postmaster-General fails to provide adequate services for the town the council's representations will usually be considered in the proper quarter.

The council should also be careful to do all it can to increase the amenities of the town. If a town hall, school, or other public building is to be erected, it should be worthy of the town's best sense and taste.

(2) Local Justice

In boroughs with a separate Commission of the Peace the Mayor presides over the Borough Bench. In other boroughs he is a justice for the County and will sit on the Bench for the division of the County in which the borough is situated. The magistrates are appointed by the Lord Chancellor, who may adopt recommendations made to him by the Borough Council. Elsewhere he acts on the advice of the Lord Lieutenant of the County.¹ Certain boroughs have obtained the appointment of a stipendiary magistrate, who is a paid justice appointed by the Crown on the advice of the Home Secretary. (There are seventeen stipendiaries outside London.) The Crown may grant a separate Court of Quarter Sessions for a borough, and the Recorder, who is a barrister appointed by the Lord Chancellor, then sits as judge and is paid from the borough fund. There are also certain ancient courts in boroughs, such as the Salford Court of Hundred and the Guild Hall Court, Norwich. The council of a quarter sessions borough with a population of 10,000 or over, which is either a county borough or received its grant of quarter sessions before 1888, must appoint a fit person to be coroner. Elsewhere the coroner is appointed by the county council. A few ancient towns are 'counties of cities' or 'counties of towns', and have to appoint a sheriff, who is elected annually by the council on November 9th.

(3) Public Health

This, with Housing and Education, will be dealt with in detail in other Tracts. It is enough to say here that the council is the authority for drainage, sewerage, street scavenging, the removal and disposal of refuse, the approval of plans of new buildings, provision of hospitals for infectious diseases, mortuaries, cemeteries, the inspection of dwelling houses, slaughter-houses, bakeries, the seizure of unsound food, and the prevention of nuisances to public health. The Public Health activities of the borough are invariably recorded in the Annual Report of the Medical Officer of Health. Every ratepayer interested in this important work should apply at the Town Hall for a copy of the report, which may usually be obtained free of charge. The Council also carries out the Maternity and Child Welfare Service and makes such arrangements as may be sanctioned by the Minister of Health for 'the care of expectant mothers and nursing mothers, and of children who have not attained the age of five years'. These words cover a host of activities, including the appointment of medical officers, health visitors and midwives, the provision of home helps, clinics, hospitals, sanatoria and convalescent homes, the grant to necessitous mothers of milk and other foods, and medical, surgical and dental assistance, and the immunisation of children against diphtheria. The precise nature of the work carried on in each borough will be set out in the report of the Medical Officer of Health, already referred to.

The council of a county borough will also provide a service of midwives. For this assistance the charge should be according to means, based on a scale framed by the council. The council should also provide sanatoria for patients suffering from tuberculosis, and treatment for persons with venereal disease. In both cases this help should be free of charge in the interests of the general public.

¹ The Lord Lieutenant is advised by an Advisory Committee. Also in Lancashire appointments to the Borough Bench are made by the Chancellor of the Duchy after advice from the Advisory Committees of each Borough.

(4) Public Assistance

In a county borough the borough council is now the authority for the grant of public assistance, formerly known as poor relief, in place of the Guardians. In non-county boroughs this duty is administered by the county council.

The Local Government Act, 1929, which effected this transfer, expressly provides that the council may decide that any relief which they may give, either by way of poor relief or under other powers which they possess (such as assistance to persons mentally unsound or blind, expectant and nursing mothers, infants and children attending schools), may be provided exclusively by virtue of the appropriate Act and not by way of poor relief. Large numbers of recipients of public assistance may thus, if the Council pass the necessary resolutions, be removed from the stigma of the poor law.

The council of the county or county borough is required to frame a scheme for carrying the Act into effect, by setting up a Public Assistance Committee. Persons who are not members of the Council may be included in such a Committee, up to one-third of the whole number, and in such a case some of those non-members must be women. Particulars of the scheme in operation in any town may be seen by reference to the copy of the scheme kept at the Town Hall.

In parts of the administrative county such as non-county boroughs, the scheme provides for the establishment of a sub-committee, called the 'Guardians' Committee', which will include members of the borough council nominated by them. These sub-committees deal with such matters as the grant of relief, the recovery of contributions from relatives of persons relieved, and the inspection and management of institutions. The reformed administration of public assistance is now on its trial, but some counties (e.g., Middlesex) have secured power to dispense with Guardians' Committees, and their duties are carried out by the salaried staff, subject, of course, to control by the Public Assistance Committee.

(5) Lunacy and Mental Deficiency

The county borough is the authority for carrying out the Lunacy and Mental Treatment Acts, 1890-1930. It is its duty to provide mental hospitals (formerly known as asylums) for the accommodation of rate-aided patients, and it may also make provision for other patients. A Visiting or Mental Health Committee is appointed by the council which manages the institutions and visits the inmates. The expenses are met from the borough fund as far as they are not covered by contributions from patients or from the Exchequer. Under the Mental Deficiency Acts, 1913-1927, the county borough council appoints a committee for the care of the mentally defective (e.g., persons not actually imbeciles, lunatics or idiots, who require care or supervision) composed partly of members of the council and partly of other persons with special knowledge including women. As a general rule the Visiting or Asylums Committee, with the addition of at least two women, acts as the committee, or forms that part of it appointed by the council. The duties of the local authority include the ascertaining of what persons are defective, the provision of suitable supervision and suitable accommodation, and the provision of burial. They may also receive in their institutions voluntary patients and temporary patients not certified to be insane who are likely to benefit by temporary treatment, under the Mental Treatment Act, 1930. This Act definitely expunges from the statute book the terms 'asylum', 'lunatic' and 'pauper patient', and substitutes 'mental hospital' and 'rate aided person', 'patient' or some similar expression.

(6) Housing and Town Planning

The borough council is responsible for carrying out the Housing and Town Planning Acts, including the provision of houses, the clearing of congested areas and slums, the ensuring that all houses are placed and kept in a proper state of repair, and the preparation of town planning schemes. The provision of houses to let at rents which can be paid by the working classes has been practically abandoned as a normal feature of private enterprise, and has been undertaken by local authorities, with the aid of State subsidies. These subsidies will now be increased.

The Housing (Financial and Miscellaneous Provisions) Bill, before Parliament at the publication of this Tract, provides for an annual State subsidy for houses of normal construction of £16 10s. 0d. per house, together with £5 10s. 0d. from the rates. For agricultural dwellings the respective amounts are £25 10s. 0d. and £3, the latter amount to be shared between the county council and the non-county borough council. The Government may also pay a higher subsidy in specially poor districts, and for flats erected on very expensive land.

The great number of Council houses and the keen demand for them from the homeless, have made the selection of tenants a duty requiring much care. Labour councillors should bear in mind that this forms an effective contrast between production for profit and production for use. The private owner of a cottage would naturally desire to let it to an applicant with no family and a high income. The Housing Committee of a council, however, will, equally naturally, let it to the applicant with the largest family and the smallest income, consistent, of course, with decency and ability to pay the rent.

The council may also advance to persons purchasing houses for their own occupation loans up to 90% of the valuation (which must not exceed £1,500) of the premises, repayable within a maximum period of thirty years at interest at low rates from time to time furnished by the government.

A Town Planning Scheme is of enormous importance to ensure that the development of a borough shall be carried out to meet public needs and convenience rather than solely to provide private profit. Such a Scheme, under the Town and Country Planning Acts, 1932 to 1944, may lay down the lines of future roads, limit the density of buildings to the acre, set out zones in which certain classes of buildings (shops, factories or premises used for noxious industries, as the case may be) will not be permitted, provide for future open spaces and for the preservation of trees and other amenities and regulate or prohibit the display of advertisements.

As Town Planning obviously concerns several adjoining Authorities, many Borough Councils are members of Joint Town Planning Committees to whom are delegated powers which require co-operation. Enquiry at the Town Hall will reveal the existence of any such Committee, and its powers. The Town Planning Scheme and map may also be inspected at the Town Hall.

(7) Education

Under the Education Act, 1944, the borough council is the Local Education Authority in a county borough, but in all other districts, including, of course, non-county boroughs, the county council is the authority. Thus, the cost of education to-day is equalised over the whole of the administrative county. Such an L.E.A. must form an education committee, to whom all educational matters are referred in the first instance, but definite powers may be delegated to them, except raising a loan or making a rate. The committee must include 'persons of experience in education and persons acquainted with the local educational conditions', and the majority must be members of the county borough or county council.

In order to secure local co-operation and interest, however, the county council is required to divide the county into areas, and the non-county borough council for any such area with a population in June, 1939, of 70,000, according to the Registrar General's estimate, or which had on the 31st March, 1939, 7,000 pupils on the rolls of the elementary schools, may claim to be an 'excepted district'. The borough council then becomes a 'divisional executive' with delegated powers in accordance with a scheme prepared by the borough council and approved by the Minister of Education. A copy of any such scheme may be seen at the Town Hall. The borough council which is a Divisional Executive is usually required to appoint an education committee, which should include persons not members of the council. A borough council can relinquish its right to be an 'excepted district' and a number of boroughs have done so and become subject to the scheme prepared by the county council. For the remainder of the county, the county council will prepare a scheme for divisional executives (also to be seen at the Town Hall or the County Hall) and here again persons not members of either the county or the borough council must be included on the executive. Some schemes have constituted the Borough Council, the divisional executive, on the same lines as if the Borough were an 'excepted district'.

It should be noted that all fees in rate-aided schools are abolished, that the school leaving age will shortly be extended to 15, and later on to 16, with further part-time education to the age of 18, that the duties of the L E A extend to the provision of food, clothing (paid for in accordance with the parents' means) medical treatment (other than at home) special education required owing to the physical or mental condition of children, nursery schools for children from 2 to 5, recreation and social and physical training. A copy of the Regulations made by the Minister of Education concerning these matters may be obtained from the Ministry. The L E A may also prohibit the employment of any child where the work would injure his health or prevent him from receiving the full benefit of education. The Act of 1944 is of great importance, and copies may be obtained from H M Stationery Office, Kingsway, W C 2, price 2/-. The Fabian Society published a pamphlet, Research Series No. 90. *The Education Act, 1944—Provisions and Possibilities* by Shena D. Simon, price 1/-, which may be ordered from the Fabian Bookshop.

(8) Highways

Borough councils are responsible for the paving, lighting and cleansing of the 'district' roads in their area, the provision of public conveniences, and for the street ambulances, general regulation, street numbering, tree planting, etc. In non-county boroughs, the more important highways, known as classified roads, are under the control of the county council, but the work of repairing and maintaining them is, as a rule, carried out by the borough council at the cost of the county council. The Minister of Transport also contributes to the expenditure on such roads. The normal grant from the Minister is 75% for Class 1 roads and 60% for Class 2 roads, and grants are also promised of 50% for a number of the more important of the remaining roads, to be called Class 3 roads. The Council can also compel the making up, to a reasonable specification, of private streets, at the cost of the owners.

The council of a county borough issues licences for motor vehicles, but in other boroughs the county council is the licensing authority. County boroughs and boroughs with over 10,000 population may make regulations as to the use of roads by heavy traffic, and councillors should not forget that they have power to make users pay for exceptionally heavy traffic. Borough councils also regulate the display of advertisements by their Town Planning Scheme or under the Advertisements Regulations Acts, 1907 and 1925, and

licence hoardings and projections, etc., over the roadway. The council also maintains bridges and may contribute to the cost of construction by private persons.

(9) Parks, Recreation Grounds, Commons, Etc.

Borough councils have power to purchase or lease land for parks, recreation grounds and open spaces, and to make bye-laws, for their use; they may let out boats for hire on lakes and provide bands of music and concerts. The council may regulate commons and assist in maintaining rights of common and rights of way. In many towns there are neglected gardens in squares that have 'gone down' which an alert council can obtain for use as open spaces or children's recreation grounds, and fit them up with playing and gymnastic apparatus.

In a non-county borough the county council can contribute towards the cost of acquiring or maintaining recreation grounds, and the borough council should apply for such a contribution when the purchase of any large area is under consideration.

In cases where the council desires to ear-mark land which they consider will be required in the future for public recreation, it should schedule such land in its Town Planning Scheme as reserved for a public open space.

(10) Allotments and Small Holdings

Borough councils have power to acquire allotments. If six ratepayers represent that allotments are required, the council must consider the matter, and if the representations are correct it must purchase or hire sufficient land for the purpose subject to the nett expenditure from the rates not exceeding the product of a rate of a penny and a third. The land can, if necessary, be acquired compulsorily, and it may lie within or without the boundaries of the borough. The council must appoint an Allotments Committee, to whom all questions relating to allotments stand referred. The Committee must include representatives of the tenants. A county borough may also provide small holdings. A small holding is a plot of land between 1 and 50 acres or larger if of small value. The council may purchase or lease land for the purpose of letting as small holdings, or may sell the land to the tenant or assist a small holder in purchasing from a private individual. The council may appoint a small holdings committee.

(11) Libraries

Every borough council has power to provide and maintain public libraries either alone or in conjunction with neighbouring authorities. The restriction of expenditure to the product of a penny rate has now been removed by the Public Libraries Act of 1919. This statute also gives power to the county council to act in boroughs where the Libraries Acts have not been adopted, and where this is done the borough will lose its powers. Museums may also be established and maintained. There is power to co-opt outside members on the libraries committee.

(12) Public Utility Services

A borough council may already possess, or seek to acquire powers to run a gas or electricity undertaking, its own water supply, or tramway or omnibus service. Municipal slaughterhouses may be provided and public markets, provided that ancient market rights are not interfered with. These are the most usual services provided, but councils may and do carry on other undertakings to meet their special requirements. Thus watering places frequently

have piers, sea-walls, harbours and bathing places. Bradford has a municipal conditioning house for textile fabrics which pays its way. Manchester City Council was largely responsible for the Ship Canal and is a large shareholder.

Baths and washhouses, which may be considered as part of the public health work rather than as a trading venture, are provided by most boroughs and are almost invariably run at a loss, the prices being fixed to attract users rather than to cover expenses. Indoor baths are frequently utilised as public halls in the winter, and there is no reason apart from finance why they should not be utilised as civic centres for social life with free dances, badminton, etc., instead of being let to individuals.

(13) Protective and Regulative Powers

(a) *Police.* County boroughs and some non-county boroughs with over 10,000 population maintain their own police forces, but no new force can be set up in boroughs where the population is under 20,000. The force is controlled by the Watch Committee, consisting of not more than one-third of the members of the council and the Mayor. In other boroughs the police are under the Standing Joint Committee of the county council and justices and, in the Metropolitan area, under the Home Secretary. One-half of the cost of the pay and clothing of the police is contributed from the Exchequer on a certificate of efficiency.

(b) *Protection from Fire.* The borough council may establish and maintain a fire brigade and the necessary appliances under the Town and Police Clauses Act, 1847, and provide for a supply of water, fire plugs, etc., under the Public Health Act, 1875. Where there is a local police force it may employ the constables as part of the fire brigade.

During the war all fire brigades were transferred to the National Fire Service, but the Government have announced that they will in the near future be transferred to county councils and county borough councils. The non-county borough councils will thus lose this branch of their work, which they have carried out since 1847.

(c) *Employment of Children.* The Borough Council is the authority for the enforcement of the Children and Young Persons Act, 1933 and 1938, so far as the hours and conditions of labour are concerned, and the Young Persons (Employment) Act 1938. The normal hours of labour of persons under 16, engaged in retail trade, etc., are limited to 44 per week.

(d) *Factories and Workshops.* In workshops, including retail bakehouses, the law in regard to cleanliness, line-washing, ventilation, prevention of nuisances and overcrowding, protection from fire, etc., is enforced by the borough council. A register of workshops is kept by the council. Factories are inspected by the Home Office, but the Home Office may, if it considers it necessary, demand the assistance of the borough council.

(e) *Weights and Measures.* County boroughs and boroughs with over 10,000 population are the authorities for putting into force the law relating to weights and measures. In boroughs where the council do not undertake this work, it is carried out by the county council. Standards of weights and measures must be provided and verified from time to time. The council appoints inspectors to verify and stamp weights and measures brought to them and to inspect those in use in the borough. It can also make bye-laws regulating the sale of coal retail under the Weights and Measures Act, 1889.

(f) *Gas.* The borough council in towns where it does not own the gas undertaking should provide for the efficient testing of the calorific or illuminating power of the gas supplied. It is also the authority for testing and stamping gas meters if the council has adopted the Sale of Gas Act, 1859, except where the council itself supplies the gas, in which case the matter is dealt with by

the justices. In boroughs where the Act has not been adopted, these matters are in the hands of the county council.

(g) *Shops.* The borough council is the authority for enforcing the Shops Act, 1912 to 1936. It appoints inspectors to see that hours of work for young persons under the age of 18 (normally 44 per week) are not exceeded, that the notices as to the weekly half holiday are exhibited in the shop, and that seats and proper washing and sanitary conveniences are provided for assistants. The council may also make orders fixing early closing day and times of closing for classes of shops.

(h) *Diseases of Animals.* County boroughs and boroughs with more than 10,000 population are the authorities for dealing with contagious diseases of animals and preventing the introduction of destructive insects. The council elect an executive committee and appoint a veterinary inspector. The diseases dealt with are glanders, cattle plague, pleuro-pneumonia, foot and mouth disease, sheep pox, sheep scab, and swine fever, anthrax, rabies and other diseases. The council may also establish a place for the slaughtering of foreign cattle. In some boroughs these powers are relinquished to the county council.

(i) *Licensing and Registration.* The borough council is the authority for licensing slaughterhouses, knacker's yards, game dealers, pawnbrokers, common lodging houses, hackney carriages, horses or donkeys let out for hire, and pleasure boats. It registers and inspects milk shops, dairies, canal boats and old metal dealers and marine stores. It licenses and regulates the storage and selling of petroleum. It can make bye-laws for the regulation and the sanitary condition of tents, vans and other temporary dwellings, and the control and registration of domestic servants' registry offices. It may apply to the Home Office to abolish any fair in the borough or to alter the day for holding it. The county borough council is the authority under the Explosives Act, 1875, and licenses the manufacture and storage of fireworks and explosives. County boroughs also license emigration agents, dealers in poisons, racecourses and premises for the public performance of stage plays. Music and dancing licenses are granted by the magistrates, except within 20 miles of the cities of London and Westminster, when they are granted by the borough council in county boroughs and elsewhere by the county council. Under the Fertilisers and Feeding Stuffs Act, 1926, a borough may appoint an agricultural analyst and official samplers.

(14) Old Age Pensions

In county boroughs and boroughs with over 20,000 population the council appoints the local pensions committee. The term of office is three years or less if the council so decide. The members of the Committee need not be members of the council.

(15) Charities

The Minister of Health may confer on a borough council the powers of a parish council, enabling them to administer non-ecclesiastical charities, and a county borough may pay the costs of an inquiry by the Charity Commissioners into the public charities of the district. This is worth considering by labour councillors, as there are often old charities with funds that might be put to far greater use than they are at present.

(16) Fisheries

County boroughs and boroughs with a population of over 20,000 may apply to the Board of Agriculture and Fisheries for the creation of a fishery district under the control of the council and those engaged in the industry.

FINANCE OF BOROUGH COUNCILS

The expenses of a borough council are defrayed from three main sources :—

- (A) Income from municipal property and from public utility undertakings^s such as gas, electricity and tramways.
- (B) Rates levied upon owners and occupiers of property within the borough.
- (C) Contributions from the central government in the form of grants.

The borough council is the rating authority and levies a single consolidated rate called the General Rate to meet its own expenses and those of any precepting authority. The rate is levied at an equal amount in the pound on the rateable value of each hereditament in the area. Some boroughs levy special rates on particular parts of the area under local Acts of Parliament.

Rates are levied primarily on the occupiers of property but by resolution the council may order owners of property of low valuation to be rated instead of the occupiers. An allowance of from ten to fifteen per cent. is made to these owners. Agreements may also be made with owners of property, the rents of which are paid at more frequent intervals than quarterly, whereby under certain conditions as to the owner paying or collecting the rates, allowances up to fifteen per cent. may be made. Agricultural land is unrated and industrial and freight transport hereditaments (factories, railways, etc.) receive a reduction of three-fourths of their annual value before their rateable value, upon which the General Rate is levied, is arrived at. In almost all boroughs there are authorities other than the council deriving their income from the rates. Co-operative arrangements with other local bodies may have set up a Joint Board or a Joint Committee for the provision of sewage works, a hospital, a recreation ground, or a library. This Joint Authority will precept upon the borough council for the borough's share in its expenditure. In a non-county borough, the council, as Rating Authority, will have to provide in its General Rate for payment of the precepts for the expenses of the county council, the Assessment Committee, and any joint authority of which it is a constituent member. In the Metropolitan Area it will also have to include the borough's share of the expenses of the Metropolitan Police.

VALUATION AND ASSESSMENT

The borough council, as the Rating Authority, makes up the valuation list every five years. The revision which should have been carried out in 1939 was deferred owing to the war. The draft list is then submitted to the Assessment Committee for approval. Objection may be made to the valuation before the Assessment Committee, and a further appeal lies to Quarter Sessions.

The Assessment Committee areas are county boroughs and other areas constituted by schemes submitted to the Minister of Health by county councils. Assessment committees in county boroughs are appointed by the council, but must include persons who are not members of the council. Non-county boroughs appoint representatives on assessment committees for the area of which they form part in accordance with the approved scheme a copy of which may be seen at the local Town Hall.

The rates are the chief source of income of a borough council. It should always be borne in mind that in spite of the General Exchequer Grant, referred to later, and of the fact that the rate poundage for Public Assistance and Education is now equalised over the administrative county, the poorer districts still have more need of the necessities and amenities provided by Local Government than the richer districts, and also have, of course, a much smaller rateable value upon which they can draw.

Thus, a penny rate in Eastbourne will produce about £3,800, in Merthyr £1,000, though the population of the latter is 13,000 more than the former.

Grants-in-aid from the Central Government are made under various Acts and are distributed on principles that frequently conflict. Sometimes the grants are made unconditionally, sometimes, as in the case of the Police Grant, on a certificate of efficiency of work done. Most of the grants are now included in a consolidated Exchequer Grant, made to local authorities and county councils, based upon a number of complex factors, under the Local Government Act, 1929, and revised every five years. The last revision should have been held in 1942 but was postponed owing to the War. The object of the Grant was to compensate local authorities for the loss of rates caused by the de-rating of railways and factory premises by three-fourths of the normal rate, and to relieve the financial burdens of some of the poorer authorities. In many of their boroughs the War has caused the appearance of new factories, paying only one fourth of the General Rate, and in respect of which no grant is received. It is generally agreed that a revision of the Grant and of the de-rating of factories is urgently desirable. As some alleviation of wartime burdens the gross amount of the Grant is to be increased by ten million pounds for 1946. Local information as to the amount of the grants and the cost of the various municipal services, is set out on the back of the rate demand note. In most boroughs the council also publish, free of charge, an annual abstract of their accounts, and all persons interested should procure a copy.

It has been mentioned above that many boroughs have considerable corporate property, and to the amount received in this way must be added the profits on trading undertakings. The amount derived from this source will depend on the policy of the council, which may either keep down the price charged for services, such as light, power and transit, or make their charges higher and relieve the ratepayers from the profits thus accruing, or use the surplus for further municipal activities.

LOANS

For the purposes of carrying out works of a permanent nature and for financing undertakings such as housing, water works, etc., a borough council may borrow on the security of the corporate property, funds or rates, with the consent of the Minister of Health. The conditions of repayment are laid down in the various enactments empowering councils to carry out such works. The limit of time for repayment is generally 60 years, 80 years is allowed for the purchase of land for housing or allotments. Many local authorities formerly raised large sums by the issue of Stock or from the proceeds of small loans advanced to them by their residents on the security of mortgages of the rates and corporate property.

In order to prevent competition between local authorities requiring loans for capital expenditure which had been held up by the War, the Local Authorities Loans Act, 1945, requires all local authorities to raise their loans from the Public Works Loans Commissioners, unless they obtain the approval of the Treasury to some alternative course. An exception is made in the case of a Council borrowing from the proceeds of its own sinking funds, reserve fund or repairs fund. The Act expires in 1950.

AUDIT

Borough accounts are audited by the borough auditors, two of whom must be burgesses and qualified to be but not being members of the council, who are elected by the burgesses on the 1st of March each year, and the Mayor's auditor, who is a member of the council nominated by the Mayor. The borough council may, however, under the Local Government Act, 1933, substitute for this audit either professional auditors or the District Auditor of the Minister of Health, who audits the accounts of all local authorities other

than borough councils and also of borough councils in such matters as education and housing, for which special government grants are received, and of county borough councils in respect of Public Assistance provided under the Poor Law Act, 1930. In practice the grant of a Charter of Incorporation as a municipal borough is now always accompanied by a condition that the audit of accounts by the District Auditor shall be continued. The District Auditor has power to surcharge, but the power of the Borough Auditors and professional auditors in respect of improper payments is limited to report to the council and publicity to the public.

BOROUGH COUNCIL WORK

A borough council does its work through committees. Of these some, such as the Education Committee, are statutory, that is to say, the council *must* appoint them. Others are set up for convenience in dealing with the business, and their number will depend on the extent of the council's activities. In committee the details of the work are thrashed out and the officials of the council are in attendance to give information. The council's standing orders lay down the subjects to be dealt with by each committee. Each committee makes its recommendations and those involving expenditure are usually submitted to the finance committee; the whole of the transactions of the committees with their recommendations are then sent to members of the council in the form of minutes or reports and are discussed at the council meeting.

The personnel of the committees should reflect as far as possible the strength of the different parties on the council. Not all councils are divided on party lines, but in most of the more important boroughs the need for a policy and the necessities of election work have resulted in the formation of parties on much the same lines as in the national legislature, though there is a greater number of independent members.

The hardest and most valuable work of the borough councillor is done in committee, and the man who thinks that he can make a show by speeches in full meeting reported in the Press without thoroughly mastering the work in committee will find himself disillusioned. While it is desirable to keep in close touch with all the council's activities, the work is so great that the ordinary councillor is well advised to devote himself to one or two branches of the work.

THE COUNCIL'S OFFICERS

The Town Clerk is the chief executive officer of the council and is usually a solicitor. It is his duty to warn the council if their proposals are *ultra vires*. He is primarily responsible for seeing that the decisions of the council are put into effect. Besides discharging the secretarial and legal duties, he is looked to for advice upon, and general supervision over, the Council's organisation and administration; and is often expected to be a co-ordinator of departmental activity.

The Medical Officer of Health is the Chief Official for carrying out work under the Public Health Acts and is, of course, a medical man. He and the Sanitary Inspectors are appointed and removed subject to the approval of the Minister of Health, who pays half their salaries. The Borough Surveyor or Engineer is the executive officer for works, housing and highways, while the heads of the various trading undertakings are generally subordinate to him. The Borough Treasurer is head of the Finance Department. Other important officials are the Director of Education, the Borough Librarian and the Chief Constable. The Recorder and Stipendiary Magistrate are paid judges in certain towns.

Beneath the officials comes the salaried staff, and then there are the numerous weekly wage earners employed in various departments. Labour councillors may be trusted to see that good conditions are given to the council's workmen and that trade union rates of wages are paid by the council and its contractors. They are not always so ready to recognise the claims of the black-coated officials and there is even sometimes a tendency to use the council school as a means of advance to equality of remuneration for all. This is a very short-sighted policy, for it must be remembered that the council is not the only employer in the market and that failure to give the usual occupational rates will prevent the council obtaining and retaining the services of a really efficient staff. It is worth while paying a high salary to get a really good Town Clerk, Medical Officer of Health or Engineer.

In addition, where possible, the council should employ direct labour, for especially in an isolated town there will be a tendency for rings of contractors to be formed. If the borough is small it may well join with a neighbouring authority for the provision of various services, thus obtaining the advantages of the economy of production on a large scale.

CONCLUSION

Under the Local Government (Boundary Commission) Act, 1945, a Boundary Commission has been set up to review local government boundaries, including those of Boroughs. In normal cases, a public enquiry will be held before any decision is given by the Commissioners. They have wide powers to vary the boundaries, including the union of a borough with a neighbouring borough or urban district. Any alteration of the boundaries of a county or of a county borough must be approved by Parliament before becoming effective. The Commissioners cannot promote a borough to a county borough unless the population exceeds 100,000, or take away the status of a county borough which has a population of 60,000.

Generally it may be stated that the borough is a natural and useful governing area, provided that it is big enough to have a separate life from the county, but there are very many small boroughs that are not nearly large enough for the economical and efficient administration and their position will have to be considered by the Boundary Commission already referred to.

WHAT TO READ

ON LOCAL GOVERNMENT

Those readers who wish to study local government and its problems more extensively will find the following list of books and pamphlets a useful guide. Most of them are quite readable and of reasonable length, but many will not be in print when required and will have to be sought in libraries, etc.

FABIAN PAMPHLETS

TRACT SERIES (uniform with this pamphlet, revised 1946)

62	Parish and District Councils	—	6d
189	Urban District Councils	by C. M. Lloyd	6d
190	Metropolitan Borough Councils	by C. R. Attlee	6d
218	County Councils	by H. Samuels	6d

RESEARCH SERIES

46	Scottish Local Government	by W. H. Marwick	6d
47	Reform of the Rating System	by John Sullivan	6d
90	The Education Act, 1944	by Shena D. Simon	1/-

Further pamphlets are being prepared. Up-to-date booklets are always obtainable from the Fabian Bookshop, 11, Dartmouth Street, S.W.1.

OTHER PUBLICATIONS

Local Government in England and Wales by W. E. Jackson	Penguin	1945	9d
The A.B.C. of Local Government by C. Kent Wright	Evans	1939	4/6
Local Government in Britain by E. L. Hasluck	C.U.P.	1936	12/6
A Century of Municipal Progress Edited by H. J. Laski, W. I. Jennings and W. A. Robson	Allen & Unwin	1936	21/-
The Councillor by A. N. C. Shelley	Nelson	1939	3/-
Principles of Local Government Law by W. I. Jennings	L.U.P.	O.P.	7/6
Local Government in Modern England by J. P. R. Maud	O.U.P.	1932	3/-
The Development of Local Government by W. A. Robson	Allen & Unwin	1931	12/6
The Law Relating to Local Elections by O. F. Dowson and H. W. Wightwick	Knight	1945	25/-
The Reform of Local Government Finance by A. N. Silver	Lawrence & Wishart	1945	2/-
Parish Councils Village Halls and Social Centres in the Countryside	} Both published by the National Council of Social Service		
The Reform of Local Government Structure (1942 6d)			
Report on Relations between Local Govern- ment and the Community (1945, 6d)	} Both published by the National Association of Local Government Officers		

THE FABIAN SOCIETY

is working through the following departments for

SOCIALIST RECONSTRUCTION

HOME RESEARCH

Social Problems: Education: Machinery of Local Government:
Economics: Industrial Reconstruction:
Reading Lists and Advice

WOMEN'S GROUP

Women's work, wages, status and conditions

COLONIAL BUREAU

Status and opportunities of Colonial Peoples: British
Imperial Policy: *Empire* monthly journal

INTERNATIONAL BUREAU

A forum for British and foreign socialists studying international
reconstruction.

LOCAL FABIAN SOCIETIES

The Vanguard for socialist education and propaganda in the
provinces. Join locally as well as nationally. Write for
the name and address of your local secretary.

For particulars of membership and application form
write to the General Secretary, Fabian Society,
11, Dartmouth Street, London, S.W.1.

SELECT LIST OF FABIAN PUBLICATIONS

(From those still in print)

RESEARCH PAMPHLETS

77	Export Policy and Full Employment (Revised Edition)	E. F. Schumacher	...	...	...	...	...	...
81	Facts for Socialists, 16th Edition	...	...	...	...	...	...	...
90	The Education Act, 1944	Shena D. Simon	...	...	...	...	...	...
91	Monopoly in British Industry	W. Arthur Lewis	...	...	...	...	...	...
92	Colonies and International Conscience	...	...	...	...	...	...	...
93	Fuel and Power	...	...	...	...	...	...	...
94	Reparations and the Future of German Industry	G. D. H. Cole	...	...	...	...	...	...
95	British Transport	Ernest Davies	...	...	...	...	...	...
96	The Farming Front...	...	...	...	...	...	...	...
97	Spain in The Post-War World.	Ilsa and Arturo Barea	...	...	...	...	...	...
98	Reconstruction—Then and Now.	Robert S. W. Pollard	...	...	...	...	...	...
99	The Sudan	...	...	...	...	...	...	...
100	Strategic Colonies and Their Future	...	...	...	...	...	...	...
102	The General Election, 1945, and After	Margaret Cole	...	...	...	...	...	...
103	The British Gas Industry	Joan Mitchell	...	...	...	...	...	...
104	Cotton—A Working Policy	...	...	...	...	...	...	...
105	Profits During the War and After	T. Barna	...	...	...	...	...	...
106	Labour Control and De-Control	...	...	...	...	...	...	...
107	The Care of Homeless Children	Helen Donington	...	...	...	...	...	...

FABIAN TRACTS

258	The Fabian Society	G. D. H. Cole	...	...	...	...	...	...
260	Small Savings: The Case for a People's Savings Bank	...	...	...	...	...	...	...

BIOGRAPHICAL SERIES

1	Francis Place	St John G. Ervine	...	...	...	...	...	...
3	William Morris	Mrs Townsend	...	...	...	...	...	...
4	John Stuart Mill	Julius West	...	...	...	...	...	...
5	Charles Kingsley	C. E. Vulliamy	...	...	...	...	...	...
8	William Lovitt	Barbara Hammond	...	...	...	...	...	...
10	Thomas Paine	Kingsley Martin	...	...	...	...	...	...
11	Jeremy Bentham	Victor Cohen	...	...	...	...	...	...
13	Richard Carlile	G. D. H. Cole	...	...	...	...	...	...
14	John Burns	G. D. H. Cole	...	...	...	...	...	...

FABIAN SPECIALS

7	The British Working-Class Movement: An Outline Study-Guide	G. D. H. Cole
---	--	---------------	-----	-----	-----	-----	-----	-----

BOOKS

Fabian Essays (1931 Edition)	...	...	...	...	...	...	...	...
Education for Democracy	Margaret Cole	...	...	...	...	...	...	...
Retail Trade Associations	Hermann Levy	...	...	...	...	...	...	...
Downing Street and the Colonies	...	...	...	...	...	...	...	...
Social Security	Ed. Dr. W. A. Robson	...	...	...	...	...	...	...
Plan for Britain: Fabian Lectures, 1942	...	...	...	...	...	...	...	...
Fabian Socialism	G. D. H. Cole	...	...	...	...	...	...	...
Fabian Colonial Essays	...	...	...	...	...	...	...	...
Co-operation In the Colonies	...	...	...	...	...	...	...	...
Population and the People	...	...	...	...	...	...	...	...
What Labour Could Do, 1911-1945	...	...	...	...	...	...	...	...
Condition of the British People	M. Abrams	...	...	...	...	...	...	...
Towards a Socialist Agriculture	Ed. F. W. Bateson	...	...	...	...	...	...	...

Date Due



HX11 .F25 no. 191

Fabian Society, London
Tracts

DATE	ISSUED TO

116708

